

Grand Jury Law Amendment (Ireland) Bill.

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SCHEDULES.

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B I L L

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Amend the Law relating to Grand Juries in Ireland.

A.D. 1876.

WHEREAS it is expedient to amend the law relating to grand juries in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

Preliminary.

1. This Act may be cited for all purposes as "The Grand Jury *Short title.*
Amendment (Ireland) Act, 1872."

10 2. This Act shall commence and have effect from the *first day* *Commence-*
of November one thousand eight hundred and seventy-six. *ment of Act.*

3. In this Act—

The expression "the principal Act" shall mean the Act of the
session of the sixth and seventh years of his late Majesty
15 King William the Fourth, chapter one hundred and sixteen,
intituled "An Act to consolidate and amend the laws relating
" to the presentment of public money by grand juries in
" Ireland," as the same is amended by any Act or Acts :

20 The expression "governing body," in relation to the several
districts mentioned in the second column of the schedule A,
to this Act annexed, shall mean the persons or bodies of
persons in that behalf described in the third column of the
said schedule.

4. The principal Act, as amended by this Act, and this Act shall *Construction*
30 be construed together as one Act. *of Act.*

Presentment Sessions.

5. The number of cesspayers to be associated with the justices at
presentment sessions to be holden in each county of a city, county
[Bill 80.] *Number of*
associated *cesspayers at*

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A.D. 1878.
—
presentment
sessions in
counties of
cities, coun-
ties of towns,
and baronies.

of a town, and barony, under the authority and for the purposes of the principal Act, shall, in relation to such county of a city, county of a town, and barony, be equal to the number of guardians to be elected for each electoral division wholly or partly situate within such county of a city, county of a town, and barony, and 5 all the guardians elected for every such electoral division shall during the term for which they shall have been so elected be associated with the justices at such presentment sessions as aforesaid, and shall for the purposes of the principal Act and of this Act be deemed to be and shall be called the associated cesspayers, and 10 shall have all the powers, authorities, and jurisdiction by the principal Act conferred upon such associated cesspayers.

Justices at
baronial ses-
sions.

6. Notwithstanding anything in the principal Act contained, it shall not be lawful for any justice of the peace to attend at any presentment sessions to be held in and for any barony in any 15 county, or for any county of a city or county of a town, unless he is seised or possessed of lands, tenements, or hereditaments situate within such barony, county of a city, or county of a town, or unless he is the land agent of some person having in such barony, county of a city, or county of a town, freehold or leasehold 20 lands.

Clerk of the
peace to
make out
list of
justices.

7. The clerk of the peace of each county in Ireland shall, on or before the *twenty-fifth day of March* in each year, make out for each barony in such county a list of the justices of the peace for such county, and of their respective addresses, qualified under the 25 provisions of this Act, to attend at presentment sessions in and for such barony, and shall on or before such day transmit the same to the secretary of the grand jury of such county.

The clerk of the peace of each county of a city or county of a town in Ireland shall, on or before the *twenty-fifth day of 30 March* in each year, make out a list of the justices of the peace of such county of a city or county of a town, qualified under the provisions of this Act to attend at presentment sessions in and for such county of a city or county of a town; and shall on or before such day transmit the same to the secretary of the grand jury of 35 such county of a city or county of a town.

Where, at any such presentment sessions, the number of justices qualified and attending exceeds the number of associated cesspayers prescribed by this Act to attend at such presentment sessions, then only such number of such justices as is equal to the number of 40 associated cesspayers prescribed as aforesaid shall take part in the

proceedings at such presentment sessions. The justices who shall take part in such proceedings shall be elected by a majority of the justices then present, and every such justice shall be entitled to vote for a number of justices equal to the number of associated cesspayers then present.

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The justices present as aforesaid shall choose one of their number to preside and take the poll at such election, and such chairman shall have in addition to his votes a casting vote in case of an equality of votes.

- 10 8. The justices and associated cesspayers assembled at presentment sessions in each barony shall, on the first occasion of their meeting at presentment sessions in such barony after the *twenty-fifth day of March* in each year, proceed to elect from amongst the number of persons qualified to attend at such presentment sessions
 15 one of the associated cesspayers and one of the justices to represent such barony, and to attend at the presentment sessions to be holden for the county in which such barony is situated under the authority and for the purposes of the principal Act in the county court-house, in respect of business relating to the county at large; at
 20 such election the chairman shall preside and take the poll, and every member of such presentment sessions shall be entitled to vote for one associated cesspayer and for one justice, and the associated cesspayer and the justice obtaining the majority of such votes shall be declared elected for the purposes aforesaid. The chairman
 25 shall have in addition to his votes a casting vote in case of equality of votes for an associated cesspayer or justice.

County at large sessions.

- Each of the several governing bodies of the districts mentioned in the second column of the schedule A. to this Act annexed shall, at their first meeting after the *twenty-first day of November* in each
 30 year, proceed to elect from amongst the members of such body two persons to represent such district, and to attend at the presentment sessions to be holden for the county or each of the counties in which the same or parts of the same are situated under the authority and for the purposes of the principal Act in the county court-house, in
 35 respect of business relating to the county at large.

At such election the chairman of the meeting shall preside and take the poll, and every member of such governing body then present shall be entitled to vote for two candidates, and the candidates obtaining the majority of votes shall be declared duly elected.

- 40 The chairman shall have in addition to his votes a casting vote in case of an equality of votes between any two candidates.

The persons so elected and no others shall be qualified to attend at such presentment sessions respectively for each counties (in this

A.D. 1876. — Act referred to as "county at large sessions") during the ensuing year to be computed from such *twenty-first day of November*, and immediately upon their election the persons previously elected shall go out of office; provided always, that in every case the persons whose terms of office expire on the *twenty-first day of November* in 5 any year shall continue to act until others are elected in their stead, and that any person going out of office shall be eligible for re-election for the ensuing or any subsequent year.

At every such election the chairman presiding shall according to the best of his judgment and ability make a true return in writing 10 to the secretary of the grand jury of such county of the persons who shall be elected at such election, and every person who shall be returned by such officer shall be deemed to be legally elected.

Members of
presentment
sessions to
elect chair-
man.

9. The members of each presentment sessions and county at 15 large sessions shall choose one of their number to preside thereat, and such chairman shall have, in addition to his vote, a casting vote in case of an equality of votes.

Supply of
county
vacancies.

10. If any person elected to attend at county at large sessions in any county under the authority of this Act dies, resigns, or 20 becomes disqualified to attend at such sessions before the expiration of his term of office, and notice of such death, resignation, or disqualification is given by any two cesspayers in such county to the secretary of the grand jury of such county, such secretary shall, as soon as may be thereafter, cause a notice of such death, resign- 25 nation, or disqualification to be published once in each of two consecutive weeks, in some newspaper circulated within such county, and of an election to fill the vacancy thereby created.

Such election shall take place within fifteen days after the date of the first publication in such newspaper of such notice, and the 30 persons qualified to vote at such election shall on the day named in such notice proceed in the manner prescribed to elect a person to supply the vacancy so created.

Constitution of Grand Juries.

Amendment
of law as to
grand jury
panel in
counties.

11. The rules and regulations which, under the provisions of the 35 principal Act, the sheriff of each county is directed to observe in framing the panel of persons summoned to serve on the grand jury of such county at each assizes, shall be subject to the modifications following; (that is to say.)

The sheriff of any county shall not place upon such panel the 40 name of any person who has not in such county freehold lands of the net annual value of *fifty pounds*, or leasehold lands of the net

annual value of *two hundred pounds*, as valued under the Acts relating to the valuation of rateable property in Ireland, unless such person shall be the eldest son or land agent of some person absent from such county and having in such county freehold or leasehold lands of such values respectively as aforesaid. A.D. 1876.

The sheriff of any county shall not be deemed to have duly framed such panel unless amongst the persons taken from such panel to constitute the grand jury or inquest of such county there is for each barony in such county, and for each district mentioned in the second column of the schedule A. to this Act annexed, and situate in such county, some one person being, in respect of lands, tenements, or hereditaments in such barony or district, qualified to serve on such grand jury, or unless, where for any one barony or district there is no such person, the said sheriff can prove that he has duly summoned all the persons qualified as aforesaid in respect of lands, tenements, or hereditaments in such barony or district.

The sheriff of every county shall prepare and submit to the judge of assize at each assizes a detailed statement of the manner in which he has complied with the said regulations, and shall verify the same on oath.

12. The sheriff of any county of a city or county of a town shall not place upon the panel of persons summoned to serve on the grand jury of such county of a city or county of a town the name of any person who has not in such county of a city or county of a town freehold lands of the yearly value of *fifty pounds*, or leasehold lands of the yearly value of *two hundred pounds*, as valued under the Acts relating to the valuation of rateable property in Ireland, unless such person shall be the son or agent of some person absent from such county of a city or county of a town and having in such county of a city or county of a town freehold or leasehold lands of such values respectively as aforesaid. Amendment of law as to grand jury panel in counties of cities and towns.

13. Any sheriff who makes default in complying with any of the provisions of this Act shall, on proof of such default before the judge of assize, be liable to a penalty not exceeding *five hundred pounds*, which such judge is hereby authorised to impose. Penalty on sheriff.

Miscellaneous.

14. The provisions of this Act shall apply to the county of Dublin, subject to the modifications following: Modification of Act in relation to county of Dublin.

The expression "the principal Act" shall mean the Act of the session of the seventh and eighth years of the reign of Her present Majesty, chapter one hundred and six, intitled "An Act to con-

A.D. 1876. " consolidate and amend the Laws for the Regulation of Grand Jury
— " Presentments in the County of Dublin," as the same is amended
by any Act or Acts.

Acts and
parts of Acts
in schedule B.
repealed.
No repeal
hereby en-
acted is
affected by
order made,
&c.

15. After the commencement of this Act there shall be repealed
the several parts of the Acts specified in the schedule B. to this 5
Act annexed, to the extent in the said schedule mentioned: Pro-
vided always, that no repeal hereby enacted shall affect any order
made or any act or thing duly done under or by virtue of any of the
sections hereby repealed.

SCHEDULES.

A.D. 1876.

SCHEDULE A.

Counties.	Districts.	Governing Bodies.
5 Antrim - - -	Belfast - - -	The Mayor, Aldermen, and Burgesses of the borough acting by the Town Council.
Down - - -	Belfast - - -	
Dublin - - -	Blackrock - - -	The Blackrock Township Commissioners.
Dublin - - -	Bray - - -	The Bray Township Commissioners.
10 Wicklow - - -	Bray - - -	
Dublin - - -	Clerkenwell - - -	The Clerkenwell Township Commissioners.
Dublin - - -	Delkey - - -	The Delkey Township Commissioners.
15 Waterford - - -	Dungarvan - - -	The Town Commissioners of Dungarvan.
Fermanagh - - -	Enniskillen - - -	The Commissioners of the borough of Enniskillen.
Dublin - - -	Kingsdon - - -	The Commissioners of the township of Kingsdon.
20 Londonderry - - -	Londonderry - - -	The Mayor, Aldermen, and Burgesses of the borough acting by the Town Council.
Dublin - - -	New Kilmisham - - -	The New Kilmisham Township Commissioners.
25 Armagh - - -	Newry - - -	The Newry Town Commissioners.
Down - - -	Newry - - -	
Dublin - - -	Pembroke Township - - -	The Pembroke Township Commissioners.
30 Cork - - -	Queenstown - - -	The Town Commissioners.
Dublin - - -	Rathmines and Rathgar - - -	The Rathmines Improvement Commissioners.
Sligo - - -	Sligo - - -	The Mayor, Aldermen, and Burgesses of the borough acting by the Town Council.
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SCHEDULE B.

Parts of Acts repealed by the foregoing Act :

6 & 7 Will. 4. c. 116. Sections seven, eight, and nine.

7 & 8 Vict. c. 106. Sections sixty-nine, seventy, seventy-one, seventy-three.

Grand Jury Law Amendment (Ireland).

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B I L L

To amend the Law relating to Grand Juries in Ireland.

*(Proposed and brought in by
Mr. Keneally, Mr. Gibson, Mr. Grady Gair,
and Mr. MacDonnell)*

*Ordered, by The House of Commons, to be Printed,
18 February 1876.*

[311. 80.]

Liver 2 6s.